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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LUXX INTERNATIONAL, LLC, a Florida  
limited liability company; and WAYDE  
KING, an individual,

Plaintiffs,

v.

PURE WATER TECHNOLOGIES, a Nevada  
limited liability company; TASTY ONE,  
LLC, a foreign limited liability company;  
MICHAEL KAPLAN, an individual; and  
ADAM KAPLAN, an individual.

Defendants.

Case No.: 2:23-cv-00512-MMD-DJA

**STIPULATION AND ORDER TO  
STAY PENDING MEDIATION**

Plaintiffs, Luxx International, LLC and Wayde King, ("Plaintiffs") and Defendants, Pure Water Technologies, Tasty One, LLC, Michael Kaplan, and Adam Kaplan, ("Defendants" together with Plaintiff, the "Parties" and, individually, a "Party"), by and through their undersigned counsel, hereby stipulate and agree, subject to the Court's approval, to the following:

1. The Parties conducted a Rule 26(f) conference in this matter on June 26, 2023 and on July 12, 2023.

2. In the Joint Discovery Plan the Parties represented to the Court that while the Parties have preliminary discussed ADR, including mediation and arbitration, no early mediation or arbitration has been agreed to or scheduled at this time. However, the Parties represented they

1 would be agreeable to mediation or arbitration at a more advanced stage in the litigation. ECF No.  
2 26.

3 3. Since commencing discovery, the Parties have exchanged numerous disclosures,  
4 written discovery, engaged in motion practice, and met and conferred on discovery issues. No  
5 depositions have been taken. Yet, the Parties have conducted sufficient discovery to assess  
6 potential mediation or settlement conference.

7 4. Recently, the Parties through their respective counsel, met and conferred and  
8 agreed that a Court settlement conference would be beneficial at this time.

9 5. Because the Parties anticipate incurring substantial costs associated with discovery  
10 efforts between now and when a settlement conference could be scheduled, the Parties agreed to  
11 file a stipulation with the Court requesting a stay of the current scheduling order deadlines  
12 pending disposition of a settlement conference and simultaneously promptly make any  
13 appropriate filing with the Court to jointly request and schedule a settlement conference.

14 6. Through either stipulation or motion, the Court has granted three request to extent  
15 the scheduling order deadlines.

16 7. On May 28, 2024, the Court entered an order setting forth the following current  
17 scheduling order deadlines:

18	Initial expert disclosures:	July 5, 2024
19	Rebuttal expert disclosures:	August 5, 2024
20	Discovery deadline:	September 3, 2024
21	Dispositive motions:	October 7, 2024
22	Joint pretrial order:	November 4, 2024

23 8. The Parties in good faith believe that deferring until after a settlement conference,  
24 if necessary, the substantial costs and fees that will be incurred as it relates to discovery efforts  
25 prior to a settlement conference, will give the parties the best possible chance of resolving their  
26 dispute at a settlement conference.

27 9. Accordingly, the Parties stipulate subject to the Court's approval to stay discovery  
28 pending the disposition of a settlement conference and agree to simultaneously promptly make

1 any appropriate filing with the Court to jointly request and schedule a settlement conference. The  
2 parties further agree that the stay of discovery would begin on submission of the joint request for  
3 a settlement conference and the stay would end if: 1) the court denies the request for a settlement  
4 conference, or 2) if the settlement conference is held and one of the parties notifies the Court that  
5 the settlement was unsuccessful. Discovery will resume and the scheduling order deadlines will  
6 be extended for the amount of time upon the Court's entry of this order staying discovery and  
7 notification that the settlement conference was unsuccessful.

8         10. If the settlement conference is successful, the parties will make any appropriate  
9 filings with the Court.

10 ...

11 ...

12 ...

11. This stipulation is not being sought for purposes of delay, but rather to provide the Parties with the best chance to resolve their dispute at a settlement conference.

DATED this 28th day of June, 2024.

DATED this 28th day of June, 2024.

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DATED this 28th day of June, 2024.

DATED this 28th day of June, 2024.

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Having reviewed the parties' stipulation, the Court finds that they have demonstrated good cause to stay discovery pending the outcome of their requested settlement conference. *See Gibson v. MGM International*, No. 2:23-cv-00140-MMD-DJA, 2023 WL 4455726 (D. Nev. July 11, 2023).

**IT IS THEREFORE ORDERED** that the parties' stipulation (ECF No. 68) is **GRANTED**.

**IT IS FURTHER ORDERED** that, if settlement is unsuccessful, the parties must file a stipulation regarding discovery deadlines within **TWENTY-ONE DAYS** of the unsuccessful settlement.



DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

DATED: July 1, 2024